

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

AGA Medical Corp.,)
Plaintiff,) No. 0:10-cv-03734-JNE-JSM
v.)
W. L. Gore & Associates, Inc.,)
Defendant.)

**DECLARATION OF JONATHAN D. CARPENTER IN SUPPORT OF
AGA MEDICAL CORP.'S MOTION TO EXCLUDE TESTIMONY
REGARDING MANIPULATIONS OF ASO DEVICES
BY DR. ALEX JAVOIS AND DR. ROBERT GORMAN**

I, Jonathan D. Carpenter, hereby declare as follows:

1. I am an attorney associated with the law firm of Carlson, Caspers, Vandenburg, Lindquist & Schuman, P.A., counsel for plaintiff AGA Medical Corporation (“AGA”) in the above-captioned matter. This declaration is submitted on behalf of AGA in support of its Motion to Exclude Testimony Regarding Manipulations of ASO Devices by Dr. Alex Javois and Dr. Robert Gorman. This declaration is made on my own personal knowledge, except as otherwise indicated.

2. Attached hereto as Exhibit 1 is a true and correct copy of United States Patent 5,944,738 (“the ‘738 patent”).

3. Attached hereto as Exhibit 2 is a true and correct copy of the January 14, 2013 Invalidity Expert Report of Dr. Alex Javois (designated as Confidential – Outside Attorneys’ Eyes Only by W.L. Gore & Associates (“Gore”)), which is **Filed Under Seal**.

4. Attached hereto as Exhibit 3 is a true and correct copy of the image from the January 14, 2013 Invalidity Expert Report of Dr. Alex Javois produced by Gore as WLG01962296 (designated as Confidential-Attorneys' Eyes Only by Gore), which is

Filed Under Seal.

5. Attached hereto as Exhibit 4 is a true and correct copy of the January 14, 2013 Invalidity Expert Report of Dr. Robert C. Gorman (designated as Confidential-Outside Attorney's Eyes Only by Gore), which is **Filed Under Seal.**

6. Attached hereto as Exhibit 5 is a true and correct copy of the March 12, 2013 deposition transcript of Robert C. Gorman (containing pages designated as Highly Confidential by Gore), which is **Filed Under Seal.**

7. Attached hereto as Exhibit 6 is a true and correct copy of the March 6, 2013 deposition transcript of Charles E. Mullins, M.D.

8. Attached hereto as Exhibit 7 is a true and correct copy of the March 4, 2013 deposition transcript of Alex J. Javois, M.D. (designated as Confidential-Outside Attorneys' Eyes Only by Gore), which is **Filed Under Seal.**

9. Attached hereto as Exhibit 8 is a true and correct copy of the March 5, 2013 deposition transcript of Alex J. Javois, M.D. (designated as Confidential-Outside Attorneys' Eyes Only by Gore), which is **Filed Under Seal.**

10. Attached hereto as Exhibit 9 is a true and correct copy of Exhibit B Materials Considered to the January 14, 2013 Invalidity Expert Report of Dr. Alex Javois.

11. Attached hereto as Exhibit 10 is a true and correct copy of Exhibit 1 Curriculum Vitae to the January 14, 2013 Invalidity Expert Report of Dr. Robert C. Gorman.

12. Attached hereto as Exhibit 11 is a true and correct copy of the May 1999 posterboard presentation A New Low Profile Nitinol-ePTFE Flexible Double Disc Occlusion Device produced by Gore as WLG00310068.

I state under penalty of perjury that the foregoing is true and correct.

Dated: April 10, 2013

s/ Jonathan D. Carpenter
Jonathan D. Carpenter